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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ANGELA SCHULTZ,

Plaintiff,

v.

NW PERMANENTE P.C., an Oregon
limited liability company and abn **NW**
PERMANENTE PHYSICIANS &
SURGEONS, P.C.,

Defendants

Case No. 3:20-cv-00626-IM

**PLAINTIFF'S BILL OF COSTS AND
MEMORANDUM IN SUPPORT**

Plaintiff claims costs incurred in this matter pursuant to 28 U.S.C. § 1920 as well as those costs recoverable as part of attorneys' fees.

Plaintiff claims the following categories of costs, itemized on **Exhibit 6** to the Meyer
Declaration:

Filing Fee	\$ 400.00
Medical Records	\$ 49.00
Court Reporting	\$ 1,087.50
Transcription	\$ 7,044.30
Process Service	\$ 439.38
Witness Fees	\$ 80.00
Investigation	\$ 1,392.50
TOTAL COSTS CLAIMED	\$10,492.68

Costs are classified as either taxable costs or non-taxable costs. The court may tax specific items as costs against a losing party as stated in 28 U.S.C. §§ 1920 and 1821. *Twentieth Century Fox Film Corp. v. Entm't Distrib.*, 429 F.3d 869, 885 (9th Cir. 2005).

Under 42 U.S.C. § 1988, a plaintiff may recover as part of the award of attorney's fees those out-of-pocket expenses that "would normally be charged to a fee paying client." *Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1216 n.7 (9th Cir.1986), *reh'g denied and opinion amended*, 808 F.2d 1373 (9th Cir.1987); *see also West Virginia Univ. Hosps., Inc. v. Casey*, 499 U.S. 83, 87-88 n.3 (1991). Thus reasonable expenses, though greater than taxable costs, may be proper.

In *Harris v. Marhoefer*, 24 F.3d 16, 19-20 (9th Cir. 1994), the court explained that:

The statutory authority to award "a reasonable attorney's fee" includes the authority to award reasonable out-of-pocket expenses incurred by the attorney that are normally charged to the client in the course of providing legal services. See *Thornberry v. Delta Airlines, Inc.*, 676 F.2d 1240, 1244-45 (9th Cir.1982), vacated and remanded on other grounds, 461 U.S. 952 (1984); *Northcross v. Board of Education*, 611 F.2d 624 (6th Cir. 1979).

See also Willamette Production Credit Ass'n v. Borg-Warner Acceptance Corp., 75 Or. App. 154, 159, 706 P.2d 577 (1985) (under state law).

Plaintiff is entitled to recover the filing fee. *See Card v. State Farm Fire and Casualty Co.*, 126 F.R.D. 658, 660 (N.D. Miss. 1989) (court fees allowed as costs whether they are fees which are paid when an action is initially filed or when action is removed), *aff'd without op.*, 902 F.2d 957 (5th Cir. 1990).

Dated: July 7, 2022.

MEYER STEPHENSON

s/ Sarah Osborn

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Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PLAINTIFF'S BILL OF COSTS AND MEMORANDUM IN SUPPORT** on:

ALEXANDER H. HILL
alexander.hill@bullivant.com
Bullivant Houser, Attorneys
One SW Columbia Street, Suite 800
Portland, OR 97204

Of Attorney for Defendants.

- by the following indicated method or methods on the date set forth below:

- ☐ E-mail only per ORCP 9
- ☒ ECF/CM Electronic Service
- ☐ Fax Transmission.
- ☐ First-class mail, postage prepaid.
- ☐ Hand-delivery.
- ☐ Overnight courier, delivery prepaid.

DATED: July 7, 2022

MEYER STEPHENSON

s/ Kevin King
Kevin King, Legal Assistant

Of Attorneys for Plaintiff